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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,686	10/17/2003	Keith W. Anderson	U03-0052.47	2685
54494	7590	02/09/2006	EXAMINER	
MOORE AND VAN ALLEN PLLC FOR SEMC			LE, NHAN T	
P.O. BOX 13706			ART UNIT	
430 DAVIS DRIVE, SUITE 500			2685	
RESEARCH TRIANGLE PARK, NC 27709			PAPER NUMBER	

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/605,686		ANDERSON ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Nhan T. Le		2685	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 9, 16, 24, 31 and 39 is/are rejected.
- 7) ☒ Claim(s) 2-8, 10-15, 17-23, 25-30, 32-38 and 40-45 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/08/04, 12/01/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 9, 16, 24, 31, 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vitikainen (US 2004/0022369) in view of Brescia (US 2003/0006912).

As to claims 1, 16, 31, Vitikainen teaches a method of managing themes applicable to a mobile phone wherein themes provide the mobile phone with sound presented by the mobile phone, the method comprising: checking a theme profile associated with the mobile phone to determine which theme is currently active (see fig. 2, M1, paragraphs 0012-0013); waiting for a triggering event to occur to cause a transition from the currently active theme to a new theme (see fig. 2, M1, paragraphs 0012-0013); and applying the new theme based on an associated triggering event (see fig. 2, M1, paragraphs 0012-0013). Vitikainen fails to teach the mobile phone with changeable characteristics pertaining to the appearance. Brescia teaches the mobile phone with changeable characteristics pertaining to the appearance (see fig. 1, numbers 34, paragraphs 0023-0026, 0036-0037). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Brescia into the system of Vitikainen in order to provide the event occurrence based on users initiated or initiated by an external medium such as mobile

terminal, communication control devices within the communication network (as suggested by Brescia paragraphs 0023-0024).

As to claims 9, 24, 39, Vitikainen teaches a method of managing themes applicable to a mobile phone wherein themes provide the mobile phone with sound presented by the mobile phone (see fig. 2, M1, paragraphs 0012-0013). Vitikainen fails to teach the mobile phone with changeable characteristics pertaining to the appearance, wherein a theme profile associated with the mobile phone is stored remotely on the network to which the mobile phone subscribes to, the method comprising: receiving current theme data upon network registration when the phone is powered on based on the associated stored theme profile; applying the current theme to the mobile phone; waiting for a triggering event to occur to cause a transition from the current theme to a new theme; and applying the new theme based on an associated triggering event. Brescia teaches the mobile phone with changeable characteristics pertaining to the appearance (see fig. 1, numbers 34, paragraphs 0023-0026, 0036-0037), wherein a theme profile associated with the mobile phone is stored remotely on the network to which the mobile phone subscribes (see fig. 4, number 38, paragraphs 0038-0041), the method comprising: receiving current theme data upon network registration when the phone is powered on based on the associated stored theme profile (see fig. 4, number 38, paragraphs 0038-0041); applying the current theme to the mobile phone (see fig. 4, number 38, paragraphs 0038-0041); waiting for a triggering event to occur to cause a transition from the current theme to a new theme (see fig. 4, number 38, paragraphs 0038-0040); and applying the new theme based on an associated triggering event (see

fig. 4, number 38, paragraphs 0038-0041). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Brescia into the system of Vitikainen in order to deliver information such as notification and contents to the appropriate wire-less, packet switch user devices (as suggested by Brescia paragraph 0041).

### ***Allowable Subject Matter***

Claims 2-8, 10-15, 17-23, 25-30, 32-38, 40-45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claims 2, 10, 17, 25, 32, 40, the applied reference fails to teach a priority setting that determines which theme shall be applied to the mobile phone in the event of conflicting triggering events; and pointers to where the content data associated with a theme is located as cited in the claim.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Joyce et al (US 20030008661) teaches location based content delivery.

Li (US 6,901,437) teaches mobile cache for dynamically composing users specific information.

Bradenberge et al (US 6,834,195) teaches method and apparatus for scheduling presentation of digital content on personal communication device.

Art Unit: 2685


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T. Le whose telephone number is 571-272-7892. The examiner can normally be reached on 08:00-05:00 (Mon-Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Nhan Le

  
2 - 3 - 2006

**NGUYEN T. VO**  
**PRIMARY EXAMINER**